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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

STEPHANIE BURNS,)
)
Plaintiff,) PLAINTIFF'S COMPLAINT AND
) DEMAND FOR JURY TRIAL
- vs -)
)
CENTRAL PORTFOLIO CONTROL INC.,) 3:19-CV-198-NBB-RP
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, STEPHANIE BURNS ("Plaintiff"), through her attorneys,
hereby alleges the following against Defendant, CENTRAL PORTFOLIO CONTROL INC.
("Defendant"):

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing, in the city of Ashland, County of Benton, Mississippi and is otherwise *sui juris*.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a Minnesota corporation conducting business in the state of Mississippi, and has its principal place of business in Minnetonka, Minnesota.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

- 1 6. Defendant acted though its agents, employees, officers, members, directors, heirs,
2 successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

3 **Jurisdiction and Venue**

- 4 7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such
5 actions may be brought and heard before “any appropriate United States district court
6 without regard to the amount in controversy.”
7 8. Because Defendant conducts business in Mississippi, personal jurisdiction is established.
8 9. Venue is proper in the United States District Court Northern District of Mississippi
9 pursuant to 28 U.S.C § 1391(b) because Plaintiff resides within this District and a
10 substantial part of the events or omissions giving rise to the herein claims occurred
11 within this District.

12 **Factual Allegations**

- 13 10. On or around February 11, 2019, Defendant placed a collection call to Plaintiff seeking
14 and demanding payment for an alleged consumer debt.
15 11. Plaintiff’s alleged debt arises from transactions for personal, family, and household
16 purposes.
17 12. Defendant called Plaintiff’s number at (662) XXX-7440.
18 13. On or around February 11, 2019, Defendant left a voicemail message on Plaintiff’s
19 answering machine.
20 14. In the voicemail message, Defendant failed to meaningfully disclose the nature of the
21 call or state that the call was from a debt collector.
22 15. Rather, in the voicemail message, Defendant stated, “We have an important tax season
23 message”, a statement that obfuscated the true purpose of the telephone call and failed to
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1 put Plaintiff on notice that the call was from a debt collector.

2 16. In the voicemail message, Defendant directed Plaintiff to call back telephone number
3 (888) 250-2792, which is a number that belongs to Defendant.

4 17. In the voicemail message, Defendant failed to disclose the purpose of its call was to
5 collect a debt allegedly owed by Plaintiff.

6 18. Defendant is using false, deceptive and misleading means in connection with attempting
7 to collect a debt by not identifying the purpose of its phone calls or that they are an
8 attempt to collect a debt.

9 **FIRST CAUSE OF ACTION**

10 **DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.**

11 19. Plaintiff repeats and incorporates by reference into this cause of action the allegations set
12 forth above at Paragraphs 1-18.

13 20. Defendant's violations of the FDCPA include, but are not limited to, the following:

14 a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the
15 natural result is the abuse and harassment of the Plaintiff;

16 b. Defendant violated §1692(d)(6) of the FDCPA by placing a telephone call without
17 meaningfully disclosing its identity;

18 c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or
19 misleading representation or means in connection with the debt collection; and

20 d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the
21 warning: This is an attempt to collect a debt... communication is from a debt
22 collector.
23

24 **PRAYER FOR RELIEF**

1 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

2 **FIRST CAUSE OF ACTION**

- 3 21. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- 4 22. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- 5 23. Awarding such other and further relief as may be just, proper and equitable.

6 **JURY TRIAL DEMAND**

- 7 24. Plaintiff demands a jury trial on all issues so triable.

8 **RESPECTFULLY SUBMITTED,**

9

10 Dated: August 2, 2019

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